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U.S. Patent Application No. 10/758,888
Art Unit: 1755
Page 9REMARKS

Claims 23 and 24 have been rewritten in order to depend from allowed claim 1. Also, new claim 38 has been added to recite an embodiment of the method of the present invention in which a colored pigment comprising an azo coupler, an aromatic amine, a diazotizing agent, and an aqueous medium are combined in any order to form an aqueous colored pigment dispersion. This new claim is fully supported by the present invention and claims as originally filed, including, for example, paragraph [0017] and Example 6. No new matter has been added. Thus, claims 1, 3-8, 10, 12, 14, and 16-38 are pending.

Rejection of Claims under 35 U.S.C. § 103

The Examiner has rejected claims 1-8 and 16-22 under 35 U.S.C. § 103(a) as being unpatentable over Platman et al. (U.S. Patent No. 5,246,494).

On page 2 of the Final Office Action, the Examiner states that Platman et al. teaches a mixed coupled azo pigment prepared from 30-70% of two or more diazonium components, at least one derived from a monoaryl amine, and an organic coupling component, said pigment containing one or more COOH or SO₃H groups or esters. The Examiner also states that the mixed coupled azo pigments are prepared by initially diazotizing a mixture of two or more aromatic amine compounds to form a mixture of diazonium salts and thereafter coupling the mixture of diazonium salts with a coupling component. The Examiner further states that the reference teaches that the aromatic amines may also contain one or two acid groups or the esters, amides, or salts thereof and that the mixtures comprising at least two diazonium components used in preparing the pigments may be prepared by diazotizing a mixture of aromatic amines or by separately diazotizing individual amines and combining the resulting diazotized amines. The Examiner also states that diazotization may be carried out through methods known using alkali metal nitrites or lower alkyl nitrites together with an adequately

U.S. Patent Application No. 10/758,888
Art Unit: 1755
Page 10

strong acid. The Examiner adds that the coupling component may be any compound capable of coupling the diazonium components, such as pyrazolones.

The Examiner points out that Platman et al. fails to specifically exemplify the use dispersant as claimed by Applicant. However, the Examiner concludes that it would have been obvious to one of ordinary skill in the art that when the same components set forth in claim 23 are present, that the dispersant would be obviously formed, absent tangible evidence to the contrary, and that the pigment would be obvious to use in an inkjet ink composition as long as the pigment and size of the pigment are compatible with the composition and apparatus.

While Applicant respectfully disagrees, in order to advance prosecution of this application, claims 23 and 24 has been amended to depend directly from claim 1, which has been found to be patentable over Platman et al. Therefore, claims 23 and 24 should also be found to be patentable over this reference.

Regarding new claim 38, this claim recites a method of preparing an aqueous colored pigment dispersion comprising the step of combining, in any order, a colored pigment comprising an azo coupler, an aromatic amine, a diazotizing agent, and an aqueous medium, wherein the aromatic amine comprises as least one ionic group, at least one ionizable group, or a mixture of at least one ionic group and at least one ionizable group. The method of Platman et al. is significantly different than the method recited in new claim 38 since there is no disclosure, teaching, or suggestion anywhere in Platman et al. of the use of a colored pigment comprising an azo coupler in combination with any of these components. Rather, this reference describes a method of preparing mixed azo colored pigments that is essentially a variation of a conventional process for preparing colored pigments, which differs significantly from the method of amended claim 1 (for example, see paragraphs [0015] and [0017] of the present application). Therefore, Applicant believes that new claim 38 is also patentable over Platman et al.

U.S. Patent Application No. 10/758,888
Art Unit: 1755
Page 11

Allowable Subject Matter

On page 3 of the Office Action, the Examiner states that claims 1, 3-8, 10, 12, 14, 16-22, and 25-37 are allowed. Applicant is grateful for the allowable subject matter of these claims.


In addition, Applicant also believes that claims 23 and 24, as well as new claim 38, should also be allowable, in view of the comments provided herein.

Conclusions

Applicant believes that the present claims are in good and proper form for allowance. Therefore, the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would further expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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